

### **REMARKS**

In the July 14, 2004 Office Action, the specification was objected to and claims 1-6 stand rejected in view of prior art. In the July 14, 2004 Office Action, all of the claims stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

In response to the July 14, 2004 Office Action, Applicant has amended the specification and respectfully traverses the rejections based on prior art and has included comments to support the traversal. Further, Applicant has amended claims 1-6 as indicated above to clarify that which is claimed, and has added claims 7-15. Moreover, Applicant has amended the specification to clarify it. Applicant respectfully asserts that no new matter has been added. Applicant respectfully asserts that no new matter has been added. Thus, claims 1-15 are pending, with claims 1 and 11 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### ***Specification***

In item 1 of the Office Action, the specification was objected to for a typographical error. In response, Applicant has amended the specification to correct the typographical error.

Specifically, "rivets 43" in the paragraph beginning on page 9, line 26 was changed to -- knock pins 43 --.

Further, Applicant has amended the paragraph beginning on page 8, line 18 to state that the second plate 31 has a uniform axial thickness. As shown, in Figure 1 of the present application, this feature is shown. Thus, Applicant respectfully asserts that no new matter has been added.

Applicant believes that the specification is now correct. Withdrawal of the objection is respectfully requested.

***Rejections - 35 U.S.C. § 102***

In item 3 of the Office Action, claims 1-4 and 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication 2002-039210 (Suzuki et al.). In response, Applicant respectfully traverses the rejections and has included the following comments to support the traversal.

Both the original and amended independent claim 1 of the present application recite the centering and attaching of the output member to the torque transmission controller *prior to* the centering and attaching of the torque transmission controller, and by extension the output member, to the engine side member. The Office Action relies on Suzuki et al. to disclose the method of claim 1 of the present application. In contrast, Suzuki et al. disclose securing the torque transmission controller to the output and engine side members *after* attaching the output member to the engine side member.

Applicant respectfully asserts that claim 1 of the present application recites that the output member be centered and attached to the torque transmission controller *before* securing it to the engine side member, in this case the flywheel. Specifically, the Office Action states that the U.S. equivalent, U.S. Patent 6,582,312, discloses on column 9, lines 32-50 thereof the method of claim 1 of the present application. However, the cited passage states that the damper assembly 20 is centered with respect to the flywheel or engine side member 10 *and then* the torque limiter or torque transmission controller 30 is secured thereto. In other words, the method of Suzuki et al. includes:

- (1) securing and centering the drive plates 21 with respect to the flywheel 10;

(2) securing and centering the damper assembly 20, which would include the output member 22, with respect to the flywheel 10; and then

(3) securing the torque limiter or torque transmission controller 30 to the flywheel 10. Since invention of claim 1 of the present application requires that the output member be centered and attached to the torque transmission controller *before* securing it to the engine side member, in this case the flywheel, Applicant respectfully asserts that Suzuki et al. fail to disclose this feature of claim 1 of the present application. Furthermore, by neglecting the centering of the output member, the device of Suzuki et al. could be or become misaligned and cause wear as described in the paragraph beginning on page 3, line 13 of the present application.

The Office Action also states the written disclosure of the present application, specifically, page 9, lines 8-9, discloses the step of centering and attaching the output member and torque transmission controller as a conventional step. Applicant respectfully disagrees. The aforementioned passage relates to the assembly of a clutch disk assembly. The passage describing centering of the output member in particular and the clutch disk assembly in general with the torque transmission controller begins thereafter on page 9, line 18. Thus, Applicant respectfully asserts that the centering and attaching of the output member with respect to the torque transmission controller is not admitted prior art.

Clearly, this method is *not* disclosed or suggested by Suzuki et al. or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicant respectfully submits that claim 1, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that dependent claims 2-4 and 6 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

***Rejections - 35 U.S.C. § 103***

In item 5 of the Office Action, claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Publication 2002-039210 (Suzuki et al.). In response, Applicant has traversed the rejection to claim 1 as stated above.

More specifically, as stated, independent claim 1 recites that the output member be centered and attached to the torque transmission controller *before* securing it to the engine side member, while Suzuki et al. disclose securing the torque transmission controller *after* attaching the output member to the engine side member.

Clearly this arrangement is *not* disclosed or suggested by the Suzuki et al. reference or any other prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicant's unique arrangement of a torque limiting device.

Moreover, Applicant believes that dependent claim 5 is also allowable over the prior art of record in that it depends from independent claim 1, and therefore is allowable for the

reasons stated above. Also, dependent claim 5 is further allowable because it includes additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claim.

Therefore, Applicant respectfully requests that this rejection be withdrawn in view of the above comments and amendments.

***New Claims 7-15***

Applicant has added new claims 7-15. Claims 7-10 ultimately depend on claim 1, and thus, Applicant believes they are allowable for the aforementioned reasons. Claim 11 recites a torque limiting device and not the method of making the device. Claims 12-15 depend on claim 11. Examination and consideration are respectfully requested.

***Prior Art Citation***

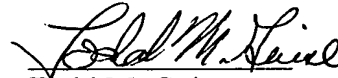
In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

\* \* \*

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-15 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Appl. No. 10/642,247  
Amendment dated November 8, 2004  
Reply to Office Action of July 14, 2004

Respectfully submitted,

  
Todd M. Guise  
Reg. No. 46,748

SHINJYU GLOBAL IP COUNSELORS, LLP  
1233 Twentieth Street, NW, Suite 700  
Washington, DC 20036  
(202)-293-0444  
Dated: 11/8/04

G:\07-Jul04-MT\ED-US020603 Amendment